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August 26, 2016

BY E-Mail and Hand Delivery

Judy Henkin, General Counsel
Green Mountain Care Board
89 Main Street
Montpelier, VT 05620

Re: Application for a Certificate of Need for Burlington Labs Acquisition LLC

Dear Ms. Henkin:

This is in response to yesterday's request from the Board that the Attorney General's Office provide the Green Mountain Care Board with its position on the pending application for a certificate of need by Burlington Labs Acquisition LLC. The Attorney General's position is that application should not be granted until: (1) Burlington Labs completes and executes an agreement with the State that settles the claims that are the subject of the current investigation by this Office; and (2) the Applicant formally accepts all duties and liabilities associated with that Settlement Agreement.

Ensuring that the State of Vermont and the United States receive appropriate compensation for improper or inaccurate claims submitted by Burlington Labs and paid by Vermont's Medicaid program should be a critical consideration in determining whether the application should be granted.

Thank you for this opportunity. We stand ready to continue good faith negotiations in this matter.

Best Regards,

A handwritten signature in blue ink, appearing to read "Jason Turner".

for Jason Turner
Assistant Attorney General
Director
Medicaid Fraud & Residential Abuse Unit

cc: Elizabeth Wohl, Esq
Tristram Coffin, Esq
Linda Cohen, Esq.